

REGULATION

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| SPDOC No.: 06-15 | Effective Date: October 2006 | Index Reference: Appointments Job Changes Transitional Positions | Regulation Number: 3.14 |
| Issuing Bureau: Human Resource Services | Rule Reference: Rules: 3-3 (Appointments and Job Changes) 3-5 (Relation to Collective Bargaining) 3-6 (Probation and Status) 3-7 (Revocation of Appointment) | | Replaces: NEW (replaces portions of Reg. 4.03, SPDOC 04-14, July 18, 2004) |
| Subject: TRANSITIONAL POSITION DESIGNATION AND APPOINTMENTS | | | |

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1. PURPOSE

This regulation provides the standards and procedures for designating an existing position classified as a business and administrative technician, professional, or manager as a transitional position. These positions may be used to facilitate the movement of career state employees to new classifications while maintaining the employees' employment preference rights and current pay rates. After the employee's successful completion of the transition period, the transitional designation is removed from the position.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

Rule 3-3 Appointments and Job Changes

3-3.1 Process

All appointments, promotions, and job changes in the classified service must be made in accordance with the civil service rules and regulations. Any person appointed or promoted must be certified as qualified in accordance with and subject to the civil service rules and regulations. The state personnel director shall administer the certification of all appointments and promotions.

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3-3.5 Lateral Job Change or Voluntary Demotion between Departments

Any two appointing authorities may authorize a lateral job change for an employee between departments or autonomous entities. The employee may be moved to a different classification only if (1) the employee previously attained status in the classification, (2) the job change is based on the civil service preauthorized lateral job change list, or (3) the employee meets the civil service qualification requirements. A lateral job change or voluntary demotion between departments or autonomous entities requires the agreement of the employee and the approval of the department of civil service.

3-3.6 Lateral Job Change or Voluntary Demotion within a Department

An appointing authority may authorize a lateral job change or voluntary demotion for an employee within the employee's current department or autonomous entity. The employee may be moved to a different classification only if (1) the employee previously attained status in the classification, (2) the job change is based on the civil service preauthorized lateral job change list, or (3) the employee meets the civil service qualification requirements. A lateral job change within a department or autonomous entity does not require the agreement of the employee. However, an employee may request a lateral job change. A voluntary demotion requires the written agreement of the employee.

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Rule 3-5 Relation to Collective Bargaining

An appointing authority shall make all appointments in accordance with the civil service rules and regulations, unless a provision in a collective bargaining agreement regarding reassignment, transfer, layoff, or recall permitted by rule 3-4 [Class Clusters] or rule 6-3 [Commission Authority] provides otherwise.

Rule 3-6 Probation and Status

3-6.1 Probationary Period

** * **

(b) Employee with status. *An employee with status who is appointed to a new classification must satisfactorily complete a working test period, called a*

probationary period, and receive a final satisfactory probationary rating as provided in rule 2-3 [Performance Ratings] as a condition of continued appointment in that position.

3-6.2 Length of Probationary Period

- (a) **Minimum length.** The minimum length of a probationary period is 12 calendar months of full-time employment or 18 calendar months of less than full-time employment.*
- (b) **Extension of probationary period.** If the department of civil service or the appointing authority determines that (1) the probationary period has been insufficient to adequately test the performance of a probationary employee or (2) the performance of a probationary employee has been unsatisfactory, the department or the appointing authority may extend the probationary period for an employee. Any extension beyond an additional 6 calendar months requires the approval of the state personnel director. The department or appointing authority shall give written notice of the extension of the probationary period to the employee.*
- (c) **Leave without pay during probationary period.** If a probationary employee is placed on a leave of absence without pay or on extended sick leave, the period of the leave of absence does not count toward completing the probationary period and the length of the probationary period is automatically extended for an additional period equal to the length of the employee's absence.*

Rule 3-7 Revocation of Appointment

3-7.1 Review of Appointments

Every appointment in the classified service is expressly subject to review by the department of civil service. If the department determines that an appointment violated a civil service rule or regulation, the department may order corrective action, including revocation of the appointment.

3-7.2 Methods of Review

The department of civil service may review any appointment as part of the department's audit function or as the result of a technical appointment complaint.

(a) Audit review.

- (1) **Revocation of appointment.** If the department of civil service audits an appointment and determines that the selection, appointment, or certification violated a civil service rule or regulation, the department may order corrective action, including revocation of the appointment. The department shall give written notice of the revocation to the appointing authority and the employee whose appointment is revoked.*
- (2) **Subsequent technical complaint.** An employee whose appointment is revoked, or the employee's appointing authority, may file a technical appointment complaint regarding a staff*

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revocation order within 14 calendar days after the date the revocation order was issued. If a timely technical appointment complaint is filed, the revocation order is automatically stayed pending a decision or further order of the technical review officer.

(b) Technical appointment complaint by candidate.

- (1) Technical appointment complaint authorized.** *If an unsuccessful candidate files a timely technical appointment complaint under rule 8-3 [Technical Complaints] and the technical review officer determines that the challenged appointment violated a civil service rule or regulation, the officer may order corrective action, including revocation of the challenged appointment.*
- (2) Notice to incumbent.** *If a technical appointment complaint is filed, the incumbent employee whose appointment is being challenged in the complaint is entitled to notice of the complaint and an opportunity to defend the appointment. If the technical review officer revokes an incumbent employee's appointment, that incumbent employee is bound by the determination of the technical review officer, including revocation of the incumbent employee's appointment.*

3-7.3 Effect of Revocation of Appointment

When the department of civil service or a technical review officer revokes an appointment, the employment status of the employee whose appointment is revoked is determined as follows:

- (a) Employee with continuing status.** *If the employee had continuing status at the time of the appointment, the employee is to be retained in a position within the principal department or autonomous agency that appointed the employee at a classification and level in which the employee had continuing status at the time of the appointment. If no such position is available within the department or agency at the time of the revocation, the employee may exercise employment preference.*
- (b) Employee without continuing status.** *If the employee had no continuing status in the classified service at the time of the appointment, the appointing authority shall separate the employee from state employment, unless the employee has otherwise been properly appointed to another position.*

3. STANDARDS

A. General Requirements.

The transitional designation of an existing business and administrative technician, professional or managerial position facilitates career movement of

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status employees with specific education or experience to new careers. Transitional designation of a position is not appropriate if the movement of the employee results in a promotion.

1. Transitional designation of an existing business and administrative technician, professional or managerial position may be requested only in the absence of recall names for the classification of the position intended to be filled.
2. Transitional designation of an existing business and administrative technician, professional or managerial position may be requested when the appointment to the position would result in reduction of compensation because the prospective employee does not possess the required experience for the level in the classification series.
3. The appointing authority must submit a Position Action Request form (CS-129) to the Department of Civil Service and identify the business and administrative technician, professional or managerial position to be designated as transitional.
4. If the position designated as transitional is used to facilitate the movement of an employee to a position at the advanced level, position-specific or universal advanced classification standards must be approved at the time of the employee's appointment.
5. The Department of Civil Service shall review the qualifications of the intended appointee prior to the appointment.
6. The transitional designation may be removed from the position after the employee's successful completion of the experience requirements as outlined in standards B, C, and D of this regulation. This action requires Civil Service review and approval and the appointing authority's certification that the employee (a) meets the minimum requirements, (b) is satisfactorily performing the duties and responsibilities of the classification or classification level, and (c) has a current satisfactory probationary, annual, or follow-up performance rating.
7. An employee with status who is appointed to a position designated as transitional at a new classification must satisfactorily complete a probationary period of 12 calendar months of full-time employment or 18 calendar months of less than full-time employment even if the transitional designation has been removed from the position.
8. Regulation 2.01 [Implementing a Reduction in Force for Nonexclusively Represented Employees], standard D., provides guidance for treatment of transitional positions in the event of a reduction in force (RIF).
9. Regulation 3.07 [Appointments and Job Changes], standard A., provides guidance for treatment of transitional positions in the event of recall.
10. Regulation 5.01 [General Salary Schedule Administration], standard L., establishes standards for salary upon appointment of the employee into

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a position designated as transitional. An employee's salary may be retained up to the maximum of the classification level to which the employee will be classified upon completion of the transitional period.

B. Transitional Business and Administrative Technician Position.

1. To be eligible for appointment to a business and administrative technician position designated as transitional, an employee must meet the education and experience requirement for the entry level of the new classification (job).
2. An employee appointed to a business and administrative technician position designated as transitional from a directly-related position classified at or above the 9 level in the Equitable Classification Plan (ECP) Group 1 may have the transitional designation removed after successful completion of the equivalent of 6 months of full-time experience in the transitional period.

C. Transitional Professional Position.

1. To be eligible for appointment to a professional position designated as transitional, an employee must either (a) meet the education requirement for the new classification or (b) possess the alternate education and experience identified on the classification specification. An employee classified in the Senior Executive Management Assistant Service (SEMAS) or an employee who attained status in a SEMAS designated position qualifies for professional classifications in which the minimum education allows for any bachelor's degree. An employee not possessing a bachelor's degree who attained status in a professional classification qualifies for professional classifications in which the minimum education allows for any bachelor's degree.
2. A master's or higher level degree or a recognized occupational license that is not minimally required for the new classification and is directly related to the work may be substituted for six months of qualifying experience. This may be substituted if not used previously for any individual employee and only after the employee has served the equivalent of six months full-time experience in the transitional period.
3. An employee appointed to a professional 10-level (intermediate) position designated as transitional from a professional 10 through 12-level, SEMA 11, 13 or 15-level; or, a professional specialist or managerial 12 through 15-level job classification may have the transitional designation removed after successful completion of the equivalent of 6 months of full-time experience in the transitional period.
4. An employee appointed to a professional 11-level (experienced) position designated as transitional from a professional P11 or 12-level, SEMA 11, 13 or 15-level; or, a professional specialist or managerial 12 through 15-level job classification may have the transitional designation removed

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after successful completion of the equivalent of one year of full-time experience in the transitional period.

5. An employee appointed to a professional 12-level (advanced) position designated as transitional from a professional 12-level, SEMA 13 or 15-level; or, a professional specialist or managerial 12 through 15-level job classification may have the transitional designation removed after successful completion of the equivalent of 18 months of full-time experience in the transitional period.
6. An employee appointed to a professional 13-level specialist position designated as transitional from a SEMA 13 or 15-level; or, a professional specialist or managerial 13 through 15-level job classification may have the transitional designation removed after successful completion of the equivalent of two years of full-time experience in the transitional period.
7. An employee appointed to a professional 14-level specialist position designated as transitional from a SEMA 15-level; or, a professional specialist or managerial 14 through 15-level job classification may have the transitional designation removed after successful completion of the equivalent of two years of full-time experience in the transitional period.
8. An employee appointed to a professional 15-level specialist position designated as transitional from a SEMA 15-level; or, a professional specialist or managerial 15-level job classification may have the transitional designation removed after successful completion of the equivalent of two years of full-time experience in the transitional period.
9. An employee appointed to a professional position designated as transitional from a non-professional job classification may have the transitional designation removed after successful completion of the experience requirements for the classification. If the removal of the transitional designation would result in a pay decrease, the employee remains in the transitional period for another year.

D. Transitional Manager Position.

1. To be eligible for appointment to a managerial position designated as transitional, an employee must be classified as a manager and meet the education requirement of the new classification.
2. An employee appointed to a managerial position designated as transitional may have the transitional designation removed after successful completion of the one-year of full-time experience in the transitional period.

4. PROCEDURES

A. Transitional Position Designation Request.

| Responsibility | Action |
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| Appointing Authority | 1. Submits a Position Action Request form (CS-129) to request designation of an existing business and administrative technician, professional or manager position as transitional. The form must include the position code, intended appointee name, identification number, proposed release date and any other information necessary to support the request. |
| Department of Civil Service | 2. Reviews the request and verifies the release date and credential review to ensure compliance with Civil Service regulations. 3. Enters the necessary information in the Human Resources Management Network (HRMN), if approved. 4. Releases the CS-129 form with approved STP release date and credential review decision to the appointing authority. |
| Appointing Authority | 5. Receives the CS-129 form and verifies information in the HRMN. |

B. Removal of Transitional Position Designation.

| Responsibility | Action |
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| Appointing Authority | 1. After the employee has served the required transitional period, submits a CS-129 form requesting removal of the transitional designation. 2. Certifies on the CS-129 form that the conditions outlined in this regulation are met. |
| Department of Civil Service | 3. Reviews the request and assigns an effective STP release date. |

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| Responsibility (continued) | Action (continued) |
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| Department of Civil Service | <ol style="list-style-type: none"> 4. Enters the necessary position information in the HRMN. 5. Releases the approval action to the appointing authority. If the request is disapproved, informs appointing authority of the revised STP release date and notifies the employee of their appeal rights. |
| Appointing Authority | <ol style="list-style-type: none"> 6. Receives the CS-129 form. |

CONTACT

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone, at 517-373-3048 or 1-800-788-1766; or by e-mail to MDCS-BHRS@michigan.gov.

NOTE: Regulations are issued by the State Personnel Director, under authority granted in the *State of Michigan Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.